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Elimination of racism, racial discrimination, xenophobia and related intolerance

Contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Note by the Secretary-General

The Secretary-General has the honour to transmit to members of the General Assembly the report submitted by Githu Muigai, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, on the implementation of General Assembly resolution 64/147.

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Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on the implementation of General Assembly resolution 64/147

Summary

The present report to the General Assembly is submitted pursuant to Assembly resolution 64/147 on the inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance, which requests the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to prepare a report on the implementation of the resolution, based on the views collected from Governments and non-governmental organizations.

Following a brief introduction on the content of resolution 64/147, the Special Rapporteur summarizes the contributions sent by 13 States on the implementation of the resolution, as well as views sent by six non-governmental organizations pertaining to the issue raised in the resolution. The Special Rapporteur then puts forward a number of conclusions and recommendations.

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I. Introduction

1. In its resolution 64/147, the General Assembly, alarmed at the spread in many parts of the world of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups, as well as similar extremist ideological movements, noted with concern, in paragraph 6, "the increase in the number of racist incidents in several countries and the rise of skinhead groups, which have been responsible for many of these incidents, as well as the resurgence of racist and xenophobic violence targeting members of ethnic, religious or cultural communities and national minorities, as observed by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance in his latest report".

2. In paragraph 7 of the resolution, the Assembly reaffirmed that "such acts may be qualified to fall within the scope of activities described in article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination and that they may represent a clear and manifest abuse of the rights to freedom of peaceful assembly and of association as well as the rights to freedom of opinion and expression within the meaning of those rights as guaranteed by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination".

3. In paragraph 9, the Assembly stressed that "such practices fuel contemporary forms of racism, racial discrimination, xenophobia and related intolerance and contribute to the spread and multiplication of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups" and emphasized, in paragraph 10, "the need to take the measures necessary to put an end to the practices described above".

4. In the context of the foregoing, the Assembly, in paragraph 19, recalled "the request of the Commission on Human Rights in its resolution 2005/5 that the Special Rapporteur continue to reflect on this issue, make relevant recommendations in his future reports and seek and take into account in this regard the views of Governments and non-governmental organizations". In paragraph 20, it requested "the Special Rapporteur to prepare, for submission to the General Assembly at its sixty-fifth session and to the Human Rights Council, reports on the implementation of the present resolution based on the views collected in accordance with the request of the Commission on Human Rights", as recalled by the Assembly in paragraph 19 of the resolution.

5. In accordance with practice established in previous reports, the present report summarizes information received on activities undertaken by Member States pursuant and relevant to resolution 64/147. In preparing the report, the Special Rapporteur requested the Office of the United Nations High Commissioner for Human Rights to send a note verbale on 11 May 2010 to Member States requesting information on the implementation of the resolution, to be received by 21 June 2010. The Special Rapporteur also requested the Office to send a letter on 20 May 2010 to non-governmental organizations requesting their views pertaining to the issues raised in the resolution, to be received by 21 June 2010.

6. As at 1 August 2010, 13 Member States, namely, Bulgaria, Colombia, Cyprus, Gabon, Georgia, Jordan, Kazakhstan, Mauritius, Paraguay, Portugal, the Republic of

Moldova, the Russian Federation and Spain had submitted information. As at 1 July 2010, contributions from six non-governmental organizations, namely, the American Civil Liberties Union, Association pour l'intégration et le développement durable au Burundi, Cercle de recherche sur les droits et les devoirs de la personne humaine, Human Rights Advocates, Kurdish Human Rights Project, and Political Capital, Policy Research and Consulting Institute, had submitted information. The information received from Member States and non-governmental organizations is summarized in the present report. The original text of the contributions is available for consultation at the Secretariat.

II. Contributions received from Member States

A. Bulgaria

7. In its reply, Bulgaria affirmed that the protection against all forms of discrimination, racism, racial and ethnic discrimination, extremism and xenophobia, are among the top priorities of Bulgaria's legislative and administrative policies and State institutions.

8. Bulgaria is a party to the core United Nations instruments on human rights, including the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights and its two Optional Protocols, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child and its two Optional Protocols. Bulgaria is also a party to the conventions of the Council of Europe. Furthermore, necessary steps have been taken to put into effect the recommendations of the United Nations international conferences on human rights, including the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

9. Bulgaria highlighted that the achievement of tangible results in combating and preventing manifestations of racism, racial discrimination, xenophobia and related intolerance depends on the decisive action of the State bodies and on the activity of non-governmental human rights associations. The substantive actions taken include: (a) adopting legislative measures to implement paragraphs 15 and 16 of resolution 64/147; (b) applying the legal standards relating to paragraphs 15 and 16 of the resolution in the practice of the judicial and administrative authority (Commission for Protection against Discrimination); and (c) expanding the activity of the Commission for Protection against Discrimination upon detection of discriminatory practices and in the preventive measures relevant to paragraphs 15, 16 and 17 of the resolution.

10. The principle of equality and non-discrimination is protected by the Bulgarian Constitution, the Penal Code and other primary and secondary legislation. Regarding the prohibition of "hate speech", the Radio and Television Act (article 10) requires that the mass media shall not allow any broadcast to incite hatred based on racial, ethnic, religious or gender criteria.

11. Bulgaria stated that foreigners legally residing in Bulgaria enjoy all rights and obligations under Bulgarian laws and the international agreements to which Bulgaria is a party, except those for which Bulgarian citizenship is required.

12. Bulgaria also provided information about the 2003 Protection against Discrimination Act, which provides protection against all forms of discrimination and guarantees the rights of all persons. Through the adoption of this Act, Bulgaria created a comprehensive legislative instrument, as well as special authority for its implementation by the Commission for Protection against Discrimination. The Commission considers and makes decisions on cases of discrimination, ascertains violations in connection with unequal treatment, and decrees the cessation of such violations. It also provides independent assistance to victims of discrimination following complaints and performs other functions under articles 40 and 47 of the Protection against Discrimination Act. The Commission further monitors intolerance-motivated criminal offences and incidents by gathering information from institutions and non-governmental organizations or media publications.

13. Bulgaria emphasized that many non-governmental organizations acting in the field of the promotion and protection of human rights pay particular attention to the issues related to the inadmissibility of any practices of racism, racial discrimination, xenophobia and related intolerance.

B. Colombia

14. In its reply, Colombia stated that resolution 64/147 is consistent with its domestic law and with the instruments to which Colombia is a party. Colombia indicated that it is a party to most human rights treaties and has always met its standing commitment to fulfil and honour those instruments and comply with decisions of the international justice system.

15. The Government has drafted a law protecting ethnic diversity that will soon be submitted to Congress for consideration. A draft law punishing discriminatory practices will also be presented during the next session of Parliament. Colombia stated that work has been done on a new National Economic and Social Policy Council edict for the benefit of black communities. The Government is also developing general policy frameworks and guidelines with special attention and action aimed at the Afro-Colombian population.

16. The Constitution incorporates human rights treaties into domestic law. The Constitutional Court has developed much case law upholding material equality for groups that historically have been marginalized for various reasons, including on account of their ethnic and racial origin. The Government has been acting on its rulings as a means of overcoming all forms of discrimination.

17. Colombia suggested measures to implement resolution 64/147. Firstly, Colombia stated that it is necessary to consider the possibility of associating international agreements with management indicators, goals and deadlines so that a material or qualitative assessment of progress can be made. Secondly, Colombia suggested that policy progress indicators be formulated, agreed on and adopted in conjunction with international treaties. Thirdly, it suggested creating a permanent information system fed by State reports and United Nations evaluations. Fourthly, Colombia stated that the core characteristic of legal rules is their enforceability.

Hence the importance of encouraging States to incorporate coercive or corrective measures into their domestic legislation, thus establishing new policies that will over the long term overcome the high rates of marginalization and exclusion prevailing in the world.

C. Cyprus

18. In its reply, Cyprus indicated that during the last decades and more systematically since Cyprus joined the European Union in May 2004, significant efforts have been carried out by all competent national authorities with regard to discrimination. This includes comprehensive legislation, structural changes and awareness-raising activities. A National Action Plan on Gender Equality for 2007-2013 was drawn up.

19. The Cyprus Equality Body was established in 2004 as the independent authority to deal with, and decide upon, discrimination and equality matters. It is comprised of the Cyprus Anti-Discrimination Body and the Equality Authority. Cyprus also referred to the establishment of the Independent Authority for Investigation of Complaints and Allegations concerning police misconduct in 2006 and the Equality Committee of Men and Women within the police in 2007.

20. The Office for Combating Discrimination at Police Headquarters (Department C), established in 2004, has the responsibility for coordinating, monitoring and advising on all aspects of policing in the areas of ethnic and cultural diversity, racism, discrimination and xenophobia through contact with the police liaison officers, the investigating officers and the victims. Ethnic liaison police officers were appointed in every divisional police headquarters to liaise with the local leaders or members of ethnic communities and to focus on issues of race and ethnicity. They act in close cooperation with the staff of the above-mentioned Office in handling racially motivated incidents.

21. An internal official system for recording incidents that are racially motivated within the police was established. The police crime report form provides for the recording of racism and discrimination as a motive for crime and allows for the subcategorization of the motive with respect to the above-mentioned characteristics.

22. Much emphasis is given to fostering a positive approach by police members towards all individuals, regardless of their culture and customs. Police training is seen as one of the most important areas in which concrete, effective and proactive anti-discrimination measures can continue to be taken in order to prevent and combat certain discrimination phenomena related to the performance of policing duties. The Cyprus Police has adopted and applied the recommendation of the Council of Europe in respect of the European Code of Police Ethics. The police's main objective is to upgrade and enhance not only basic Police Academy training of recruits, but also vocational training of sergeants and senior ranking police officers.

23. In an attempt to bring ethnic communities and the police closer and to build better mutual understanding and respect, the Cyprus Police, in cooperation with associations or the leadership of various ethnic communities residing in Cyprus, periodically organizes open public social events.

24. The Chief of the Cyprus Police has, through circulars, given orders to police officers to avoid conducting wide searches for suspects or wanted people merely on

the basis of their specific ethnic, racial or other characteristics, and to narrow down and focus their operations by collecting more information about the individual. It was stated that members of the police are also ordered to avoid disclosing to the public information on the ethnic, racial or other background of offenders, with the exception of wanted people. The Cyprus Police has also produced and distributed to police stations a leaflet containing information on the rights of persons in custody, which police officers are asked to hand to detainees.

25. Reference was made to the implementation of the Community Action Programme to Combat Discrimination, the Stop Campaign "For Diversity against Discrimination", the European Year of Equal Opportunities for All (2007) and the Community Programme for Employment and Social Solidarity (Progress 2007-2013) through various national awareness-raising activities.

26. Finally, Cyprus indicated that legal aid is granted in proceedings before the courts of Cyprus to nationals and non-nationals. For instance, under article 146 of the Constitution, legal aid is granted to asylum-seekers and refugees seeking recourse in the Supreme Court.

D. Gabon

27. In its reply, Gabon highlighted that it was a country where friendship, brotherhood, peace and social solidarity for all prevailed. Consequently, it stated that to date, no major act of a racist, discriminatory or intolerant nature had been reported. It further stated that every effort would be made to maintain this situation and create favourable conditions for the promotion and protection of human rights.

E. Georgia

28. In its reply, Georgia provided information about the legislative, administrative and other measures undertaken to eliminate all forms of racial discrimination and foster intercultural dialogue among minority groups. Georgia indicated that it cooperates closely with the universal and regional human rights bodies dealing with racial discrimination. It further noted with deep concern that Georgian nationals were frequently subject to discriminatory treatment by "certain powers".

29. Georgia indicated that a National Concept and Action Plan for Tolerance and Civil Integration had been adopted in 2009. The National Concept outlines national strategic considerations and defines six main areas: rule of law, education and State language, media and access to information, political integration and civil participation, social and regional integration, and culture and the preservation of identity. The draft action plan for the year 2010 has been finalized and will be adopted soon.

30. The Office of the State Minister for Reintegration and the Office of the Public Defender are the main institutions that combat discrimination and promote tolerance among different groups. The Office of the State Minister for Reintegration, created in 2008, is responsible for the civil integration of all ethnic minorities, the coordination of the relevant activities of State agencies, and the supervision of the implementation of the Tolerance and Civil Integration Action Plan. The Office of the Public Defender, whose responsibilities derive from the Constitution (article 43) and

the 1996 Organic Law on the Public Defender, supervises the protection of human rights and freedoms and operates the Tolerance Center, which incorporates two councils, namely the Council of National Minorities and the Council of Religions.

31. Legislation prohibits discrimination on the basis of ethnic, religious, racial or any other grounds, and criminalizes racial discrimination. Under the Criminal Code, racial, religious, national or ethnic motivations are regarded as aggravating circumstances in relation to certain crimes. Organizations and parties advocating violence and inciting ethnic, religious or social hatred are prohibited by the law. Similarly, the law prohibits the organization of gatherings or manifestations that advocate violence or incite ethnic, religious or social hatred. The Government declared that currently no political party or group based on the idea of racial superiority operates in Georgia. Georgia also stated that effective remedies were provided to victims of hate speech.

32. Georgia further emphasized that special attention was paid to the training of relevant officials in the field of human rights to increase their commitment and sensitivity in relation to human rights. It referred to the training provided by the Police Academy on the methods of investigation of crimes motivated by racial discrimination. It was also noted that the Police Academy provides training on "the relations with national, racial and religious minorities" and that the Ministry of Justice also conducts human rights training for prosecutors.

33. With respect to education, Georgia indicated that specialized programmes had been set up by the Ministry of Education and Science in order to promote tolerance within the educational system. Among others, it referred to the Child Tolerance Education Programme, the School Partnership Programme and the Intercultural Dialogue through Education Initiative.

34. In the field of the media, a Code of Conduct for Broadcasters was adopted in 2009. The Code explicitly stipulates that broadcasters should seek to avoid making inaccurate or misleading claims promoting stereotypes, identifying people unnecessarily by their ethnic or religious background or making unsupported allegations that may further encourage discrimination or violence. Since 2010, the Media Development Foundation monitors the coverage of national and religious minority related issues by Georgian language media. Furthermore, the Georgian Public Broadcaster is obliged to reflect ethnic, cultural, linguistic and religious diversity in its programmes as well as air programmes in national minority languages.

35. Georgia indicated that various cultural and other programmes were organized annually to celebrate the victory over fascism. In this relation, reference was made to the celebration of the sixty-fifth anniversary of victory over fascism in 2010. It was also stressed that the events of the Second World War, including human rights violations committed by the Nazi regime, were taught in world history classes.

F. Jordan

36. In its reply, Jordan indicated that the Public Security Department is committed to ensuring compliance with Jordanian constitutional and legislative principles that are opposed to all forms of discrimination, racism and xenophobia, and with the obligations imposed by the International Convention on the Elimination of All

Forms of Racial Discrimination, such as condemning racial discrimination, refraining from performing or encouraging discriminatory acts, taking action to eliminate barriers between social groups and empowering groups that are at risk of discrimination. The Public Security Department has also taken vigorous steps to implement the royal plan concerning the promotion of human rights in general and the call for moderation, tolerance, acceptance of others and dissemination of human rights concepts.

37. Regarding the measures taken by the Public Security Department to implement resolution 64/147, Jordan made reference to the adoption of a range of preventive measures to be implemented by the judicial and administrative police with a view to precluding the emergence of extremist groups that incite violence based on racism and xenophobia. Jordan also referred to the training of the staff of the law enforcement agencies to enable them to gather information on extremist groups and transmit it to the competent judicial authorities. It also indicated that the Department had continued to teach and disseminate the principles of the 2004 Amman message issued by His Majesty King Abdullah II bin Al-Hussein, namely, moderation, acceptance of others and the promotion of security and stability. The message stated that extremism is a stranger to Islam, which is founded upon equanimity and tolerance, and called upon the international community to work earnestly to implement international law, to respect international instruments and to eradicate the causes of violence and racism. Finally, Jordan indicated that the Office of Grievances and Human Rights provides training courses for the staff of the Public Security Department in different aspects of human rights, including action to combat racial discrimination.

38. Jordan acceded to the International Convention on the Elimination of All Forms of Racial Discrimination without any reservations. It was also stated that the Constitution of Jordan guarantees freedom of opinion, belief and expression, and enshrines the right to equality before the law for all citizens without discrimination on the grounds of race, language or religion. Jordan also indicated that the provisions of the Labour Code are applicable to workers irrespective of their sex, nationality (Jordanian or non-Jordanian), ethnic origin, colour and religion.

39. With respect to the media and information, reference was made to the 1998 Press and Publications Act No. 8, the 2001 Provisional Audio-visual Media Act No. 71, and the 2007 Right of Access to Information Act No. 47. With respect to education, it was stated that the Kingdom's educational philosophy is reflected in the 1994 Education Act No. 3.

40. Jordan provided information about the 2007 Political Parties Act No. 19 and indicated that a National Centre for Human Rights was established to promote human rights principles in the Kingdom. It drew inspiration from the tolerant message of Islam, the values forming part of the Arab Islamic heritage and the constitutional provisions guaranteeing rights and non-discrimination among citizens on the grounds of ethnicity, language, religion or sex.

41. The Criminal Code criminalizes any act that is aimed at, or results in, the fuelling of sectarian or racial strife or the incitement of discord among communities and the different components of the nation. Perpetrators may be punished by imprisonment for a term of up to three years. The definition of torture contained in the Criminal Code covers severe pain or suffering inflicted on a person for any reason based on discrimination of any kind. It was also stated that the Military

Criminal Code criminalizes the application of racial distinctions and other procedures based on racial discrimination that are characterized as war crimes pursuant to article 17.

42. Jordan stated that the Ministry of Education places special importance on countering extremism, in line with, inter alia, the principles of the Constitution, the National Charter, the Amman message and the Education Law. It also referred to the 2009 memorandum of understanding signed between the Ministry of Education and the National Centre for Human Rights for the promotion of human rights education in schools. It indicated that the curricula and school textbooks place great importance on human rights. Jordan further mentioned the participation of the directorate for curricula and school books in a project undertaken by the Arab League Educational, Cultural and Scientific Organization and the Council of Europe on better mutual understanding.

G. Kazakhstan

43. In its reply, Kazakhstan indicated that the presidential decree recognizing the competence of the Committee on the Elimination of Racial Discrimination in accordance with article 14 entered into force in 2008. It also provided information about the 2009-2012 national plan of action for human rights, which provides for measures to further enhance national legislation on the elimination of all forms of racial discrimination.

44. Kazakhstan has established a comprehensive regulatory and legal system to ensure equality among citizens regardless of sex, race, ethnicity, language, origin, wealth or official status, place of residence, attitude towards religion, beliefs or membership of a voluntary association or social group. The legal system includes Kazakhstan's international legal obligations, the Constitution, the Voluntary Associations Act, the Political Parties Act, the Mass Media Act, the Culture Act, the Citizenship Act and the Assembly of the People of Kazakhstan Act. Reference was also made to article 14 of the Constitution, which provides that no one may be subjected to any kind of discrimination on the basis of origin, social status, occupation, wealth, sex, race, language, religion, belief, place of residence or any other circumstance. Kazakhstan stated that discrimination is also prohibited by the State Service Act.

45. The Criminal Code sets out the body of offences incurring criminal liability for incitement of social, national, ethnic, racial or religious enmity. The Code of Administrative Offences contains a provision increasing such liability for administrative offences motivated by ethnic, racial or religious hatred or enmity, which are specified as aggravating circumstances.

46. Kazakhstan mentioned several State and non-governmental institutions that are involved in carrying out anti-discrimination policies. These include, inter alia, the Office of the President of Kazakhstan, which sets out the basic policy lines in this area, the Government of Kazakhstan, which is responsible for the legal and financial policy instruments, and central State bodies including, inter alia, the Ministries of Culture, Justice, Internal Affairs, and the Office of the Procurator General. Kazakhstan also mentioned the Human Rights Commission attached to the Office of the President and indicated that the Human Rights Commissioner (Ombudsman) is also engaged in issues involving combating racial discrimination.

47. Kazakhstan stated that it has made major progress in recent years in addressing the issue of cooperation between State authorities and civil society institutions that protect the interests and rights of ethnic minorities. Reference was made to the 1995 Assembly of the People of Kazakhstan, which focuses its activities on implementing State ethnic policy, ensuring social and political stability in the Republic, and enhancing cooperation between State and civic institutions in matters involving inter-ethnic relations. The Assembly now enjoys new legal status.

48. Kazakhstan indicated that cooperation with religious organizations plays an important role in enhancing stability in society, preventing extremism and intolerance, and protecting the cultural, spiritual and moral heritage, historical traditions and public morality. Reference was made, inter alia, to the 2009 Third Congress of World Religions, hosted in Astana.

49. Kazakhstan stated that education is an important area for the development of civil identity and tolerance in Kazakh society. Reference was made, inter alia, to the Languages of the Republic of Kazakhstan Act, the 2010 State programme for language performance and development, and the plan of action for the development of ethnocultural and multicultural education. Kazakhstan also indicated that courses entitled "Basics of Tolerance" are conducted at institutions of higher education. The Government indicated that the principle of non-discrimination is observed during the training of law enforcement staff.

H. Mauritius

50. In its reply, Mauritius provided information about the relevant sections of its Constitution relating to protection against discrimination, notably section 3 entitled "Fundamental Rights and Freedoms of the Individual", section 16, which provides for protection against discrimination, and section 11 on the protection of freedom of conscience. Mauritius stated that the periodic report to be submitted to the Committee on the Elimination of Racial Discrimination is in the process of being finalized.

51. Mauritius also provided information about the National Human Rights Commission set up under the Protection of Human Rights Act, and the Sex Discrimination Division of the Commission set up in 2002. It also stated that, in addition to the normal channels of complaint through the police authorities, citizens may have recourse to the Office of the Ombudsman. Minor complaints relating to human rights may be forwarded to the Office of the Attorney-General.

52. Mauritius stated that the Equal Opportunities Act adopted by the Assembly in 2008 is not yet in force. It covers the different grounds of discrimination referred to in sections 3 and 16 of the Constitution, as well as age, pregnancy, mental and physical disability and sexual orientation. The Act also provides for the establishment of an Equal Opportunities Commission and an Equal Opportunities Tribunal.

53. The 2008 Truth and Justice Commission Act came into operation in 2009, on the day commemorating the abolition of slavery in Mauritius. It established the Truth and Justice Commission, which shall conduct inquiries into slavery and indentured labour during the colonial period in Mauritius, determine appropriate measures to be extended to descendants of slaves and indentured labourers, make

inquiries into complaints made by persons aggrieved by dispossession or prescription of any land in which they claim to have an interest and prepare a comprehensive report of its activities and findings based on factual and objective information and evidence. The Truth and Justice Commission has been constituted and consists of historians, academics and social workers from Mauritius.

54. It was stated that under the Criminal Code there are offences pertaining to discrimination on grounds of race or creed in general. In this respect, Mauritius referred to different sections of the Criminal Code, including section 282 relating to the offence of "stirring up racial hatred".

55. The Government provided information on the measures taken by the Ministry of Education and Human Resources to implement resolution 64/147, which include, inter alia, new national curriculum frameworks that reflect the need to incorporate multicultural education and values and education for peace as cross-cutting themes into the pre-primary, primary and secondary school curricula. Mauritius indicated that a rights-based approach to education was also on the agenda of the Ministry.

I. Paraguay

56. In its reply, Paraguay made reference to several provisions of its Constitution, including articles 46 and 47 enshrining equality. Paraguay stated that it is a party to the International Convention on the Elimination of All Forms of Racial Discrimination but has not yet recognized the competence of the Committee in accordance with article 14 of the Convention. Paraguay is also a party to the International Covenant on Civil and Political Rights and its Optional Protocols, the International Covenant on Economic, Social and Cultural Rights, as well as the Rome Statute of the International Criminal Court. The Directorate of International Affairs has worked with the Directorate-General of Justice in the Ministry of Justice and Labour to draft a bill for the implementation of the Rome Statute. Paraguay also indicated that it has signed the Convention on the Prevention and Punishment of the Crime of Genocide. Information was also provided about article 319 of the Criminal Code, which defines genocide.

57. The Government indicated that a guide to inclusive and non-discriminatory practices was produced by the Civil Service Secretariat. It also referred to the Code for the Self-Regulation of Advertising, developed by the Centre for Advertising Regulation, Standards and Research, which establishes rules to prohibit discrimination against, or the ridiculing of, individuals.

58. Paraguay indicated that it has recognized the legal personality of the Afro-descendants Association of Paraguay and informed that work is ongoing to include a self-identification category for Afro-Paraguayans in the 2012 national census. Paraguay also indicated that it advises Afro-Paraguayans on means of strengthening their cultural expressions.

59. Paraguay provided information about several laws adopted with respect to indigenous peoples, including the 2007 act establishing the Directorate-General for Indigenous Education; the Regional Governments Act, which establishes a mandate for positive action in favour of indigenous peoples at the departmental level; the 1981 Statute of Indigenous Communities Act, amended in 2003 which establishes the Paraguayan Institute for Indigenous Peoples; and the 2009 decree that

establishes the Executive Branch National Human Rights Network, comprising 21 Government bodies, including the Paraguayan Institute for Indigenous Peoples. Paraguay also referred to the Directorate of Ethnic Rights, within the Public Prosecutor's Office, which takes action at the request of the indigenous peoples directly concerned or of governmental or non-governmental bodies in all cases of violations of articles that might affect or endanger the freedom of indigenous peoples. The Directorate also provides assistance to indigenous persons suspected of, or charged with, offences. Paraguay stated that an inter-agency commission to introduce mechanisms for monitoring the labour conditions of indigenous persons was established by the Ministry of Justice and Labour in cooperation with the International Labour Organization. A number of housing support projects for indigenous peoples have been identified, and anti-discriminatory and affirmative action measures have been introduced to benefit indigenous communities.

60. Paraguay made reference to information submitted by the Supreme Court on the implementation of paragraphs 10, 11, 13 and 16 of resolution 64/147. In this respect, it mentioned the organization by the Human Rights Directorate and other agencies of the judiciary, of an annual event called "Human Rights Week", as well as various formal training courses. The aim of Human Rights Week is to raise awareness among justice officials and the wider public, of human rights issues.

61. The Justice Museum and Documentation and Archives Centre for the Defence of Human Rights was set up in 2007. The museum's role is to promote and recover the historical memory of the period of the dictatorship in Paraguay through a human rights approach and to provide an educational and cultural venue.

62. A bill against all forms of discrimination is currently before Congress. It provides for measures to prevent discrimination against various groups on grounds such as ethnic origin, religion, gender and sexual orientation. It also empowers State bodies to punish such acts and includes a provision regarding incitement to discrimination. To secure the bill's passage by Congress, an anti-discrimination network has been established by various civil society organizations with the support of United Nations agencies.

J. Portugal

63. In its reply, Portugal referred to articles 13 and 15 of its Constitution relating to the principle of equality and the general rule recognizing the same rights and duties for foreigners and immigrants as Portuguese citizens, with some exceptions. The Government also provided information about article 46.4 of the Constitution, which applies to fascist organizations and stipulates that "armed associations, military, militarised or paramilitary-type associations and organisations that are racist or display a fascist ideology shall not be permitted". It was further pointed out that the recommendations set forth in resolution 64/147 were already being implemented.

64. According to the Penal Code of Portugal, a racist act can be considered a crime if the requirements of the legal norm are met. Article 240 of the Penal Code on racial, religious or sexual discrimination was mentioned in this context. It was also stated that, pursuant to article 71 (2) of the Penal Code, racial motivation is an aggravating circumstance in the determination of the penalty. Portugal further highlighted that the Penal Code now establishes, in its article 246, that "any person

who is convicted for the crime of article 240 can be temporarily deprived of his active and/or passive electoral capacity".

65. Other sanctions such as fines can be imposed in cases of acts of discrimination, as established under the law. Associations promoting non-discrimination on the grounds of race are able to take part in the proceedings and to represent the victims with their consent. The principles of equality and proportionality are enshrined in the Administrative Procedure Code and the principle of legality is enshrined in the Publicity Code.

66. Under the 2003 Television Law, no element of a programme shall cause incitement to hatred, racism and xenophobia. The law on preventive and punitive measures to be taken in case of violence associated with sport forbids the support by the promoters of sport events of any organized group of supporters that adopts signs, symbols and expressions aimed at inciting violence, racism and xenophobia or any other form of discrimination.

67. Portugal provided information about the High Commission for Immigration and Intercultural Dialogue, which plays a leading role in the fight against discrimination, and the Commission for Equality and Against Racial Discrimination, which deals with racial discrimination. It was stated that a Victim Support Unit for Immigrants and Victims of Racial and Ethnic Discrimination provides support free of charge, including legal and psychological support for victims of racial discrimination and immigrant victims in general.

68. Portugal also referred to national and local centres for immigration support that provide information and support to immigrants, the Immigrant Legal Support Office, which provides legal advice and mediation services free of charge to immigrants, the 2007-2009 Action Plan for Immigrant Integration, and the Government's "Programme Choices 4th Generation", set up in 2001. The Government also indicated that a Pilot Project for Municipal Roma Mediators had been established by the High Commission for Immigration and Intercultural Dialogue.

69. With respect to efforts taken to counter the dissemination of racist, xenophobic and anti-Semitic propaganda on the Internet, Portugal indicated that the Commission for Equality and against Racial Discrimination's website has a special tool called "Racism on the Internet", where users may link to a national project called "Safe Internet" and file complaints against Internet blogs or sites that have racist messages.

70. Finally, although in Portugal there are no extreme right-wing political parties with parliamentary representation, it was stated that a member of an extreme right-wing party had been convicted for discriminatory acts under article 240 of the Criminal Code and is currently in jail.

K. Republic of Moldova

71. In its reply, the Republic of Moldova indicated that since independence the Republic of Moldova had taken legislative and practical measures to make the inter-ethnic relations in society more harmonious and eradicate various forms of discrimination on the basis of race, colour, ethnic origin or affiliation to a national

minority, as well as protect the rights of national minorities so that they may preserve their ethnical, cultural, linguistic and religious identities.

72. The Government made reference to the principle of equality enshrined in the Constitution, and indicated that the principle of non-discrimination was contained in a number of laws. Similarly, it indicated that the Criminal Code criminalizes various discriminatory and violent acts committed on the grounds of racial discrimination or national or ethnic origin.

73. At present, the legislative framework reflecting international standards provides for the prohibition of discrimination and extremist activity. The Republic of Moldova has adhered to more than 40 international human rights instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. The Moldovan authorities have taken concrete steps to align national practice to international standards by, inter alia, elaborating a draft law on prevention of and combating discrimination. In addition, the Republic of Moldova had submitted its combined eighth and ninth periodic report to the Committee on the Elimination of Racial Discrimination.

74. One of the priorities of the State activity of the Republic of Moldova in combating different forms of discrimination is the promotion of the principle of cultural diversity as a universally recognized principle, as well as the principle of respect for human rights and equality. These principles are enshrined in the new programme of activity of the Government entitled "European integration: freedom, democracy, prosperity", which contains a chapter on "Integration of the national minorities".

75. The Government made reference to the implementation of educational activities concerning human rights, including the rights of national minorities, among various categories of public officials, collaborators of the police and other law enforcement agencies.

76. A new draft national human rights action plan for 2010-2013 was elaborated. It includes a separate chapter on measures to prevent and combat discrimination and to protect national minorities' rights. The Republic of Moldova indicated that the draft action plan was submitted to the Government for approval.

77. Efforts are being made to promote a spirit of tolerance and intercultural dialogue in society through close collaboration between the State and civil society, in areas such as education, culture and the media. Reference was made to the measures taken to preserve the memory of Holocaust victims from the Republic of Moldova and to prevent manifestations of anti-Semitism. These include, inter alia, the organization of scientific conferences, the erection of memorials and the preparation of informational materials for teachers of history.

78. The Action Plan for the Support of Roma People for 2007-2010 was adopted in order to create the necessary conditions for their sociocultural development. The adoption of the Action Plan is a further step undertaken by the authorities to combat negative stereotypes against Roma people and improve their living conditions and social participation.

79. The Government provided information about the Bureau of Interethnic Relations which is the body of the central State Administration that promotes the policy of the Republic of Moldova in the field of inter-ethnic relations, protects the constitutional right of citizens to preserve, develop and express their ethnic, cultural and linguistic identity, and collaborates with the public ethnocultural minority organizations. Chairpersons of all organizations accredited by the Bureau are members of the Coordinating Council of Ethno-Cultural Organizations, the consultative body of the Bureau.

80. Events concerning the promotion of equality and non-discrimination are constantly organized with the assistance of the Bureau and the participation of representatives of different minorities, officials and international organizations. In this regard, reference was made to the organization of round tables, seminars, conferences and festivals, as well as annual national cultural events aimed at demonstrating ethnocultural diversity, fostering tolerance and consolidation of a multi-ethnic population. The House of Nationalities, which functions under the Bureau, plays an important role in the process of preserving cultural diversity and promoting non-discrimination.

81. The Government indicated that the Bureau of Interethnic Relations will take the following steps in order to inform the central and local authorities and other institutions in charge of protection against discrimination about the principles contained in resolution 64/147: inform the ministries and other central and local authorities about the adoption of the resolution; familiarize members of the Coordinating Council of Ethno-Cultural Organizations with the content of the resolution; post the text of the resolution on the website of the Bureau; and contribute to promoting the resolution through the mass media.

L. Russian Federation

82. In its reply, the Russian Federation indicated that the Constitution prohibits all forms of discrimination. Reference was made in this regard to article 19 of the Constitution, which establishes equality before the law and the courts, and guarantees equality of human rights and freedoms regardless of sex, race, ethnic background, language, origin, wealth, official status, place of residence, attitude to religion, beliefs, membership of voluntary associations or other circumstances.

83. The Government also stated that the Constitution prohibits the establishment and activities of voluntary associations whose aims or actions are to foment social, racial, ethnic or religious strife; propaganda or campaigns fomenting social, racial, ethnic, or religious hatred or enmity; and advocacy of social, racial, ethnic, religious or linguistic superiority. The Constitution also establishes the right of every individual to determine and indicate his ethnic affiliation.

84. Under the 2002 Federal Act on measures to counter extremist activities, advocating exclusiveness or the superiority or inferiority of people on social, racial, ethnic, religious or linguistic grounds or on the basis of their attitude to religion is treated as extremism (article 1). Authors of printed, audio, audio-visual or other material or productions intended for public use and containing one of the elements provided for in article 1 are also considered to be conducting extremist activities. In addition, a voluntary, religious or other organization engaging in extremist activities may be dissolved and its activities be banned by a court order (article 9). The use of

public communications networks, including the Internet, for extremist activities is prohibited (article 12) and the dissemination of extremist materials is illegal (article 13.1) and considered as an administrative offence under the Code of Administrative Offences. The Mass Media Act and the aforementioned Federal Act prohibit the use of the mass media for extremist activities, including activities calculated to incite racial and ethnic discord.

85. Under the Criminal Code, it is a criminal offence to organize the activities of an extremist organization, or to set up an extremist association, i.e. an organized group formed for the planning or commission of offences motivated by political, ideological, racial, ethnic or religious hatred or enmity, or by hatred or enmity towards a particular social group, such as destruction of or damage to historical and cultural monuments, desecration of a corpse or burial ground, public calls for extremist activities, incitement to hatred or enmity and degradation. The Criminal Code also provides that offences motivated by ethnic, racial or religious hatred or enmity, political or ideological hatred or enmity, or by hatred or enmity towards a particular social group are regarded as aggravating circumstances.

86. The 2008 Presidential Decree No. 1316 established a department to combat extremism within the Ministry of Internal Affairs and specialized divisions within the regional internal affairs bodies. The Investigative Department of the Moscow Bureau of Investigation is applying a series of measures to ensure that extremist crimes against individuals are duly detected and investigated. These include, inter alia, the collection, recording, synthesis and analysis of information on extremist crimes and the compilation and analysis of practices for their detection and investigation.

87. The Government indicated that together with more active work by the law enforcement agencies in combating racially motivated crimes, the State is putting more effort into preventing manifestations of extremism. In order to prevent extremist crimes, the law enforcement authorities monitor public political gatherings, cultural events and shows, and sporting events with the potential to foment ethnic or religious enmity. Comprehensive preventive measures among ethnic diasporas and ethnic minority youth are also being taken, and a working group has been set up under the appropriate department of the Procurator-General's Office to ensure that the procuratorial authorities receive timely information about extremist events and develop coordinated positions and approaches to counteract them.

88. The Government stated that particular attention is paid to the training of the law enforcement agencies through a programme of study of the culture of inter-ethnic dialogue and the traditions of the peoples of the Russian Federation. It also indicated that significant attention is paid to the theoretical and practical aspects of safeguarding human rights and freedoms in training programmes.

89. The Government stressed that the authorities are paying considerable attention to shaping an attitude of tolerance and preventing xenophobia, extremism and other forms of discrimination on the grounds of ethnic origin or philosophical (religious) convictions. In particular, they are focusing on the theme "Victory over Fascism" and working to combat the manifestations of racism based on Nazi ideology, notably among young people. Reference was also made, inter alia, to the adoption by the Ministry of Education and Science of regulations governing the evaluation of school books; the inclusion of the subject of the Holocaust in the school curriculum;

training of teachers, including the training in Holocaust education; the special federal programme "Shaping tolerant attitudes and preventing extremism in Russian society 2001-2005"; the projects to shape an attitude of tolerance among young people undertaken under the 2006-2010 federal programme for the development of education; and the search units at Russian educational institutions comprising children and adolescents that nurture patriotism and citizenship.

90. The Government indicated that religious organizations are active in projects to promote tolerance and prevent extremism among young people. The role of libraries and museums in shaping an attitude of public tolerance towards immigrants, harmonizing inter-ethnic relations and creating a culture of inter-ethnic dialogue was also highlighted. Ethnic cultural centres, arts schools, festivals that celebrate ethnic cultures and folk traditions, as well as exhibitions of folk arts and crafts were also mentioned.

91. The Government provided information about its plans to work in the following areas: (a) setting "tolerance standards" for popular media productions, including a ban on mentioning ethnic backgrounds in crime reporting, a mandatory quota for broadcasts of positive news accounts featuring the peoples of the Russian Federation in the federal media, and producing films and broadcasts for children casting the various peoples of the Russian Federation in positive roles; (b) establishing inter-ethnic studies in higher educational institutions; (c) conducting comprehensive lessons on the culture, traditions and customs of various ethnic groups by members of those groups in general educational establishments; and (d) raising awareness among the young about the ethnic diversity of Russian society. Reference was also made in particular to the development in Moscow of a special municipal programme entitled "Capital of Multi-Ethnic Russia (2008-2010)".

M. Spain

92. In its reply, Spain indicated that the Criminal Code states that "committing an offence for racist or anti-Semitic motives or by reason of any other discrimination related to the victim's ideology, religion, beliefs, ethnicity, race or nationality is an aggravating circumstance". The Code also criminalizes the following acts: "1) inciting discrimination, hate or violence against groups or associations for racist or anti-Semitic motives or by reason of ideology, religion, beliefs, family situation, ethnicity, race, nationality, gender, sexual orientation, illness or disability; 2) denial of a public service, by a person whose professional responsibility it is to provide it, to a person entitled to receive that service by reason of ideology, religion, belief, ethnicity, race, nationality; 3) the promotion by associations of discrimination, hate or violence against persons, groups or associations by reason of ideology, religion, belief, ethnicity, race or nationality". Offices of the public prosecutor for hate crimes have been established in Barcelona and Madrid, with another to be created in Valencia.

93. Spain made reference to the 2006 Education Act and stated that the introduction of the subject "Education for citizenship" in school curricula fulfils the vital function of helping to shape future citizens on the basis of knowledge about and respect for human rights. Reference was also made to the project entitled "Living Together: European Citizenship against Racism and Xenophobia".

94. Spain indicated that a common methodology based on sociological discussion groups and expert forums had been developed. Following the application of this methodology in Sweden, the Netherlands, Finland, Portugal, Ireland and Spain, a Decalogue against racism, xenophobia and other forms of intolerance had been prepared. As part of this coordinated effort, a transnational network that would act as an early warning system on emerging forms of racist discourse in Europe had also been created. This network would provide additional information about the situation and promote greater coordination and awareness-building against racism and xenophobia. Moreover, various handbooks on different subjects aimed at informing, training and building awareness among target groups such as the media, security forces and local agencies in the fight against prejudice and stereotypes had been prepared.

III. Contributions received from non-governmental organizations

95. The American Civil Liberties Union, Association pour l'intégration et le développement durable au Burundi, Cercle de recherche sur les droits et les devoirs de la personne humaine CRED, Human Rights Advocates, Kurdish Human Rights Project, and Political Capital, Policy Research and Consulting Institute provided contributions to the Special Rapporteur. The main concerns raised by non-governmental organizations in relation to General Assembly resolution 64/147 relate to issues pertaining to the increase of right-wing extremism in Eastern Europe; ethnic, religious and linguistic minorities; immigrants; indigenous peoples; freedom of expression and opinion; and recent legislation related to racial profiling.

96. The Association pour l'intégration et le développement durable au Burundi provided information about the discrimination and marginalization suffered by indigenous peoples in Burundi, including in the areas of education and property ownership. Arbitrary arrest and detention of Batwa, as well as the lack of awareness of existing legal remedies, were also mentioned by the Association.

97. The American Civil Liberties Union and Human Rights Advocates provided information about Law SB 1070, adopted in 2010 by the State of Arizona in the United States of America. They raised concerns about the potentially discriminatory effect of this legislation, which they considered may increase racial profiling on immigrants and minorities, especially those of Latin American descent.

98. Cercle de recherche sur les droits et les devoirs de la personne humaine, provided information about the situation of freedom of expression, assembly and association in 128 countries that have been reviewed so far under the universal periodic review mechanism of the Human Rights Council.

99. The Kurdish Human Rights Project provided information about discrimination faced in the areas, inter alia, of nationality, right to vote, property, education and marriage by the Kurdish minorities in Turkey, the Syrian Arab Republic and the Islamic Republic of Iran. Reference was also made to the social, economic and political difficulties they encountered, as well as "hate crimes" and attacks against persons belonging to ethnic minorities. Information was also provided about the inexistence of a comprehensive anti-discrimination law, the lack of official censuses or data collection containing ethnic or linguistic information, and adequate investigation and prosecution of human rights violations targeting minorities.

100. The Political Capital, Policy Research and Consulting Institute indicated that right-wing extremism is on the rise in Eastern Europe. It also argued that countries that are more affected by right-wing extremism have developed different strategies to deal with the problem, but none has come up with any effective responses. The Political Capital, Policy Research and Consulting Institute stressed that mainstream political parties in Central and South-Eastern Europe might adopt some features of right-wing extremism for their own political ends. It also stated that Eastern Europe's radical ideologies can easily be exported westwards and Eastern European extremist parties can find allies in Western Europe more easily than in their own backyard. Reference was made in this regard to Hungary's extreme right-wing Jobbik party that had formed an alliance with Italian, British, Swedish and Belgian far-right groups rather than extreme right-wing parties in the region.

IV. Conclusions and recommendations

101. **The Special Rapporteur is grateful to all States that shared information with him on their activities undertaken pursuant to General Assembly resolution 64/147. He further welcomes information provided by non-governmental organizations pertaining to the issues raised in the resolution. Such information is important for the sharing of experiences and best practices in the fight against extremist political parties, movements and groups, including neo-Nazis and skinhead groups, as well as similar extremist ideological movements. The Special Rapporteur would like to take this opportunity to reaffirm the importance he attaches to the cooperation with Member States and civil society in the implementation of his mandate. In this regard, the Special Rapporteur would like to recall Human Rights Council resolution 7/34, which requests all Governments to cooperate fully with the Special Rapporteur in the discharge of his mandate, including by providing the information requested.**

102. **While the contributions received emanate from a few countries from different regions, the Special Rapporteur would like to make clear that no State is immune from such phenomena. It is important that States recognize the existence of such phenomena and remain vigilant about their potential to affect the human rights foundations of society, including the principle of non-discrimination, a range of human rights and freedoms, as well as democracy. Increasing political and legal vigilance is therefore needed.**

103. **In their replies, some States informed the Special Rapporteur about their adhesion to a range of international human rights instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination. Some specified that they have ratified this instrument without any reservations. However, other States indicated that they have not recognized article 14 of the Convention relating to the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals. In this regard, the Special Rapporteur would like to urge all States that have not yet done so to ratify the Convention, and recommends those States parties that have made reservations with regard to article 4 to consider withdrawing them, as requested in resolution 64/147. He also recommends States parties to make the declaration under article 14 of the Convention.**

104. **Countering extremist political parties, movements and groups requires a solid legal framework. As such, States must ensure that their legislation fully incorporates the provisions of article 4 of the Convention.**

105. **Some States mentioned that racist motives are aggravating factors in relation to offences under their criminal law. The Special Rapporteur welcomes such measures and reiterates the recommendation made in his July 2010 report to the Human Rights Council (A/HRC/15/45, para. 27) that States introduce in domestic criminal law a provision according to which committing an offence with racist or xenophobic motivations or aims constitutes an aggravating circumstance allowing for enhanced penalties.**

106. **The Special Rapporteur would like to re-emphasize the importance of developing a comprehensive approach when designing measures aimed at countering the extremist political parties, movements and groups that promote, either explicitly or implicitly, the dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination and xenophobia, as well as acts of violence or incitement to such acts against specific groups of individuals. Indeed, concrete results in countering such phenomena could not be achieved without full implementation of the legislation adopted, including the criminal legal provisions. States must therefore strengthen efforts to ensure the effective implementation of existing legislation. Implementation should include, inter alia, combating impunity, strengthening the capacity of law enforcement agents and the judiciary especially through adequate training, the collection of ethnically disaggregated statistics and data on racially motivated crime, as well as the allocation of adequate resources.**

107. **In this regard, States should make determined efforts to bring to justice the perpetrators of racially motivated crimes, ensuring prompt and impartial investigations as well as appropriate sanctions. Particular attention should also be paid to the victims of such crimes, especially those belonging to vulnerable groups who were also mentioned by some States in their replies. Victims should enjoy full access to justice, fair and adequate reparations or satisfaction for any damage suffered and be made aware of the existing legal remedies. Reference was made in the above summary to the establishment of mechanisms for victims of racial discrimination, which provide legal and psychological support to victims. The Special Rapporteur welcomes such measures and recommends that States ensure that victims of racist and xenophobic crimes are provided with the necessary support, including legal, medical and psychological support.**

108. **Law enforcement agents and members of the judiciary are key pillars in the implementation of resolution 64/147. The Special Rapporteur therefore encourages States to ensure that State agents are provided with mandatory human rights training to build and strengthen their capacity to identify, investigate and register racist and xenophobic crimes. In this context, the Special Rapporteur would like to express his appreciation with regard to the measures introduced by some States to train law enforcement agents and ensure that the police engages with communities. As stated in his July 2010 report (A/HRC/15/45, para. 29), he strongly recommends that States engage with the communities concerned to reduce fears, instil a sense of trust between the police and the communities and encourage the reporting of such crimes to the police.**

109. Some States provided information about the establishment of internal official systems to record racially motivated incidents within the police. Such initiatives should be welcomed. In this regard, the Special Rapporteur would like to recommend that States collect ethnically disaggregated statistics and data on racist and xenophobic crimes. This will help States to have a clear picture of such crimes, as well as to identify the types of offences committed and the characteristics of the victims and the perpetrators, especially if they are affiliated with an extremist political party, movement or group. The collection of such statistics and data will also help States to assess whether such crimes are under-reported or unrecorded, and to review their legislation in order to address properly racist and xenophobic crimes when necessary.

110. These measures should be complemented by a broad range of preventive policies to address the root causes of the existence of extremist political parties, movements and groups that promote the dissemination of ideas based on racial superiority or hatred, and incite racial discrimination and xenophobia, as well as acts of violence against specific groups of individuals. Human rights education is one of the most effective tools in this regard. In addition, the teaching of history classes, as recommended in the Special Rapporteur's 2009 report to the General Assembly (A/64/295) and reaffirmed in resolution 64/147, is also essential. Furthermore, the organization of cultural events, festivals, conferences, seminars and memorial days offering space for intercultural dialogue and interaction, described by some States, are also important means of raising awareness and sensitizing individuals and groups to these phenomena and of building a society based on tolerance, respect for cultural diversity, multiculturalism and non-discrimination.

111. The Special Rapporteur welcomes measures referred to by some States to address incitement to violence, racism and xenophobia in sport. The Special Rapporteur is of the view that sport can contribute positively to the elimination of racist and xenophobic violence by extremist movements and groups based on ideas of racial superiority that incite racial hatred and racial discrimination. Sport constitutes a means of promoting a message of tolerance and non-discrimination. The Special Rapporteur therefore recommends the use of sport as a tool for promoting understanding and bringing people from different origins together. He further encourages States, in close cooperation with international and regional sports federations, to bring the issue of extremist movements and groups that propagate racial hatred and xenophobia, and incite violence against specific groups of individuals in sport, to the attention of all relevant international sporting bodies.

112. Truth and justice mechanisms were also referred to among other measures in the replies. In his March 2010 report to the Human Rights Council (A/HRC/14/43, paras. 19-23), the Special Rapporteur emphasized that some factors such as hate speech based on racist ideology and the political manipulation of racist or nationalist ideology may foster ethnic enmity and lead to conflicts where serious crimes might be committed, including genocide, ethnic cleansing, war crimes and crimes against humanity. The Special Rapporteur recommends the establishment of truth and justice commissions in post-conflict situations that will help to understand why certain racist and xenophobic crimes occurred during the conflict and prevent their resurgence.

Such mechanisms are also key instruments in understanding and acknowledging a contested or denied history.

113. As stated in paragraph 83 of the Durban Declaration, political leaders and political parties can and ought to play a key role in combating racism, racial discrimination, xenophobia and related intolerance. The Special Rapporteur strongly encourages these traditional political parties to be more vocal in political debates and campaigns in order to tackle the negative influence of extremist political parties. This also implies a clear and explicit condemnation of political discourse inciting to racial discrimination, hostility and violence. They should also refuse to enter into any alliance with extremist parties of a racist or xenophobic character to form majorities wielding political power in a given State.

114. Some States also provided information about the measures taken to tackle the dissemination of racist and xenophobic propaganda on the Internet. In this regard, the Special Rapporteur would like to express his concern about the use of the Internet to propagate racism, racial hatred, xenophobia, racial discrimination and related intolerance. He encourages States to use the opportunities provided by new technologies, including the Internet, to counter the dissemination of ideas based on racial superiority or hatred. In this context, he would like to reaffirm the positive role that the exercise of the right to freedom of opinion and expression, including through the Internet, can play in combating the propaganda of such ideas on the Internet.

115. Some States referred to regional human rights instruments and mechanisms. The Special Rapporteur is of the view that these mechanisms can play a vital role in preventing and eliminating extremist political parties, movements and groups including neo-Nazis and skinhead groups, as well as similar extremist ideological movements in line with paragraph 119 of the outcome document of the Durban Review Conference. He therefore encourages States to fully cooperate with such mechanisms.

116. Finally, the Special Rapporteur would like to recommend that States ensure that the recommendations made in the present report are implemented in consultation with civil society organizations, and encourages States to provide them with adequate financial support.